

No. 92.—Whereas the Governor of Haryana is satisfied that land specified below is needed by Government, at public expense, for public purpose namely, Gohana-Jind road to Issapur Khurd, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said act the Land Acquisition Collector, P.W.D., B and R. Branch, Haryana Ambala Cantt. is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the office of the Land Acquisition Collector, Haryana, P.W.D., B. and R. Branch, Ambala Cantt. and the Executive Engineer, Construction Division P.W.D., B and R. Branch, Sonapat.

SPECIFICATION

District	Tehsil	Locality	Area in acres	Remarks
Sonapat	Gohana	Issapur Kheri	0.13	97
				13, 14/1, 19, 21, 22
				100
				5.6/1, 6/2
				101
				1/1, 1/2, 2, 10
				136, 137, 138, 402, 403, 406, 407,
				123, 124, 106, 178, 188, 343, 344,
				349, 350, 129.

The 21st March, 1978.

No. 93.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by Government, at public expense, for public purpose, namely, constructing a road from Nahra to Bahadurgarh (Sec. Sohli to Kundal), it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, P.W.D., B. & R. Branch, Haryana, Ambala Cantt., is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt. and the Executive Engineer, Construction Division No. 1, P. W. D., B. & R. Branch Sonapat.

SPECIFICATIONS

District	Tehsil	Locality	Area in Acres	Remarks
Sonapat	BahadurGarh	Sohti	14.46	29
				5/1, 5/2, 6, 15/1, 15/2, 14, 16/1, 16/2, 17, 24/1, 24/2, 25/1, 25/2.
				31
				12/1, 12/2, 13, 19/1, 19/2, 20/1, 20/2, 21/1, 21/2, 22/2, 22/3.

District	Tehsil	Locality	Area in Acres	Remarks
Rohtak	Bahadurgarh	Sohti — <i>concl'd</i>	14.46	34
				1/1, 1/2, 2/1, 2/2, 2/3, 10/1, 10/2, 11, 20.
				28
				3, 4/1, 4/2, 5, 7/1, 7/2, 8/1, 8/2, 12/2, 13/1, 13/2, 14, 19, 18/1, 18/2, 17, 22/1, 22/2, 23, 13/1/2.
				39
				1, 2/1, 2/2, 3, 10/1, 10/2, 9/1/1, 9/2, 11/1, 11/2, 12, 20/1, 20/2, 21, 9/1/2.
				40
				6, 15, 16/1, 16/2, 25/1, 25/2, 24.
				41
				4, 5/1, 5/2, 6, 7/1, 7/2, 8/1, 13, 14/1, 17/1/2, 14/2, 15, 17/1, 17/2/2, 18/1/2, 24/1, 24/2 24/3.
				71
				16, 17/1, 17/2, 18.
				73
				4, 7, 14, 17, 24.
				72
				3/1, 3/2, 4/1, 4/2, 7/1, 7/2, 8, 9, 10/1, 10/2, 11/1, 11/2, 12/1, 12/2, 13, 14, 20, 19/1, 19/2.
				82
				1/1, 1/2, 2, 3, 4, 5, 6, 7, 8, 9, 22, 25, 26, 30, 32, 33, 34/1/2/3, 41, 42, 43, 44, 45, 46, 47, 48, 54, 55, 56, 58, 64, 65, 10.

(Sd.)

Superintending Engineer.
Jind Circle. P. W. D., B. & R.
Jind.

IRRIGATION DEPARTMENT

Declaration

The 20th March, 1978

No. 2327/73-L/Drg.—Whereas the Government of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expenses, for a public purpose, namely, for Construction of Bhindawas Lake on Right side of Bhindawas Link Drain in villages Kanwah, Bilochpura, Nawadah, Redhuwas, Shahjahanpur, Chhadwanah of tehsil Jhajjar, district Rohtak for which a notification has been issued under section 4 and sub-section (4) of section 17 read with clause (C) of sub-section (2) of section 17 of the Land Acquisition Act, 1894 and published,—vide Haryana Government notification No. 2140/73-L/Drg., dated 16th March, 1978 in Haryana Government Gazette, Part-I, it is hereby declared that the land described in the specifications below as required urgently for the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plans of the land may be inspected in the office of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Rohtak and the Executive Engineer, Jhajjar Drainage Division, Jhajjar.

SPECIFICATION

District	Tehsil	Village	Hadbast Number	Area in Acres	Boundaries
Land measuring 1,016.94 acres as demarcated at site and shown on the Index Plan					
1	2	3	4	5	6
Rohtak	Jhajjar	Kanwah	230	98.71	Rectangle No. 7 Killa Nos. in full/Part 5, 6, 7/1 7/2, 13, 14, 15, 16/1, 16/2, 17, 18, 23, 24, 25, 6/2.
					8 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25.
					9 1, 9/1, 9/2, 10, 11, 12/1, 12/2, 12/3, 13, 17/1, 17/2, 18, 19, 20, 21, 22, 23, 24.
					17 1, 2/1, 2/2, 8, 9, 10/1, 10/2, 11/1, 11/2, 12/1, 12/2, 13, 14.
					18 1, 2, 3, 4/1, 4/2, 7/1, 7/2, 8, 9, 10, 11/1, 11/2, 12, 13, 14, 15.
					19 3, 4, 5, 6, 7, 8/1, 8/2, 12, 13, 14, 15/1, 15/2, 16/1, 16/2, 17, 18, 19, 22, 23, 24, 25.
					20 2, 3, 4/1, 4/2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19/1, 23, 24, 25, 19/2.
					32 3, 4, 5, 6, 7, 14, 15, 16, 25.
					34 1, 2, 3, 5, 6, 8, 9, 10/1, 10/2, 10/3, 11, 12/1, 12/2, 13/1, 13/2, 13/3, 15, 16/1, 16/2, 17/1, 17/2, 18, 19/1, 19/2, 20/1, 20/2, 21/1, 21/2, 22, 23/1, 23/2, 23/3, 24/1, 24/2, 25/1, 25/2.
					35 3, 4, 1, 4/2, 5, 6, 7/1, 7/2, 8, 13/1, 13/2, 15/1, 15/2, 15/3, 15/4, 16/1, 16/2, 16/3, 17/1, 17/2, 17/3, 18/1, 18/2, 23/1, 23/2, 24, 25/1, 25/2, 14/1, 14/2.
Do	Do	Bilochpura 216— <i>contd.</i>	224.60		38 1, 2, 10, 11, 12, 13/1, 13/2, 17, 18, 19, 20, 21/1, 21/2, 22, 23, 24, 25.
					39 5, 6, 7/1, 7/2, 13, 14, 15/1, 15/2, 16/1, 16/2, 17/1, 17/2, 17/3, 18, 25.
					42 1, 2/1, 2/2, 3/1, 3/2, 4, 5, 6, 7, 8, 9, 13, 14, 15/1, 15/2, 16, 17, 25.
					43 1, 6, 7, 8, 9/1, 9/2, 9/3, 10, 11, 12/1, 12/2, 13, 14, 15/1, 15/2, 15/3, 16, 17, 18, 19, 20, 21/1, 21/2, 22/1, 22/2, 22/3, 23/1, 23/2, 24/1, 24/2, 25.
					44 6, 7, 8/1, 8/2, 9, 10, 11, 12, 13/1, 13/2, 14, 15/1, 15/2, 16, 17/1, 17/2, 18, 19, 20, 21, 22, 23/1, 23/2, 24/1, 24/2, 25, 26.
					45 3/1, 3/2, 4, 5/1, 5/2, 6/1, 6/2, 7, 8, 9/1, 9/2, 10/1, 10/2, 10/3, 11/1, 11/2, 12, 13/1, 13/2, 14/1, 14/2, 14/3, 15, 16/1, 16/2, 16/3, 17/1, 17/2, 17/3, 18/1, 18/2, 19, 20/1, 20/2, 20/3, 21, 22/1, 22/2, 22/3, 22/4, 23/1, 23/2, 24, 25/1, 25/2.
					46 1, 2, 3, 4, 7, 8, 9, 10/1, 10/2, 11/1, 11/2, 11/3, 12/1, 12/2, 13/1, 13/2, 18, 19, 20/1, 20/2, 20/3, 21, 22.

1	2	3	4	5	6
Rohtak	Jhajjar	Bilochpura 216— <i>cancel</i>	224.60	47	1, 2, 10
				48	1, 2, 3, 4, 5/1, 5/2, 6/1, 7/1, 7/2, 8, 9, 10, 11, 12/1, 12/2, 13, 14/1, 14/2, 15, 17, 18, 19, 20, 21, 22, 23, 24
				49	1, 2/1, 2/2, 2/3, 3/1, 3/2, 4, 5/1, 5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 6/1, 6/2, 7, 8, 9, 10/1, 10/2, 10/3, 11, 12, 13, 14, 14, 15/1, 15/2, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
				50	1/1, 1/2, 2, 3, 4, 5, 6/1, 6/2, 7, 8, 9/1, 9/2, 13, 14, 15, 16, 17, 25
				53	1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 25
				54	1/1, 1/2, 2/1, 2/2, 3, 8, 9, 10/1, 10/2, 11, 12, 19/2, 20, 21
				55	1
				56	5
Do	Do	Nawadah—220	167.54	1	6, 7, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25
				2	11, 19, 22, 47
				3	1, 2, 9, 10, 11, 12, 19, 20, 21, 22
				4	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12/1, 12/2, 13, 14, 15, 16, 17, 18, 19/1, 19/2, 20, 21/1, 21/2, 22, 23/1, 23/2, 24, 25
				5	16, 25
				6	15, 16, 17, 18, 23, 5, 6, 7, 14
				7	1, 2, 3/1, 3/2, 4, 5/1, 5/2, 6, 7, 8, 9/1, 9/2, 10, 11/1, 11/2, 12, 13, 14, 15/1, 15/2, 16, 17, 18, 19, 20, 21, 22, 23/1, 23/2, 24, 25
				8	1, 9, 10, 11, 12, 19, 20/1, 20/2, 21, 22
				9	1, 2, 9, 10, 12, 19, 20, 21/1, 21/2, 22
				10	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11/1, 11/2, 12/1, 12/2, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
				11	3, 4/1, 4/2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18/1, 18/2, 19/1, 19/2, 20, 21, 22, 23, 24, 25
				16	1, 2, 3, 4, 5/1, 5/2, 6, 7/1, 7/2, 8, 9, 13/1, 13/2, 14, 15, 16, 17, 25
				17	1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20/1, 20/2, 21/1, 21/2, 22, 23, 24/1, 24/2, 24, 25
Do	Do	Radhuwas 219	168.82	1	25
				2	21
				3	1, 2, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22
				4	4, 5, 6, 7, 13, 14, 15, 16/1, 16/2, 17, 18, 19, 20/1, 20/2, 21/1, 21/2, 22, 23, 24, 25/1, 25/2
				5	1, 9, 10, 11/1, 11/2, 12, 13, 14, 16/1, 16/2, 17, 18/1, 18/2, 19, 20/1, 20/2, 21, 22/1, 22/2, 23, 24/1, 24/2, 25/1, 25/2

1	2	3	4	5	6
Rohtak	Jhajjar	Radhwwas 219—contd	168.82	6	5, 6, 7, 14, 15, 16, 17, 23, 24, 25
				7	3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25
				8	1/1, 1/2, 1/3, 2, 3, 4, 5/1, 5/2, 6, 7/1, 7/2, 8, 9/1, 9/2, 10, 11, 12, 13, 14/1, 14/2, 15, 16, 17/1, 17/2, 18/1, 18/2, 19, 20, 21/1, 21/2, 22, 23/1, 23/2, 24, 25
				9	1, 2, 3, 4, 5, 6, 7, 8/1, 8/2, 9, 10/1, 10/2, 11, 12, 13, 14, 15, 16, 17, 18, 19/1, 19/2, 20, 21/1, 21/2, 22/1, 22/2, 23, 24, 25
				10	1, 10, 11
				11	1, 2, 3, 4, 7, 8/1, 8/2, 9/1, 9/2, 10, 11, 12, 13/1, 13/2, 14/1, 14/2, 18, 19, 20, 21, 22/1, 22/2, 22/3, 23
				12	1, 2, 3, 4/1, 4/2, 5/1, 5/2, 6, 7, 8, 9/1, 9/2, 10, 11, 12, 13/1, 13/2, 14, 15/1, 15/2, 16, 17, 18, 19, 20, 21, 22, 23, 24/1, 24/2, 25/1, 25/2
				27	1, 2, 3, 4, 5/1, 5/2, 6, 7, 8, 9, 13/1, 13/2, 14, 15, 16/1, 16/2, 17/1, 17/2, 25
				28	1, 2, 9, 10, 11/1, 11/2, 20, 21
Do	Do	Shahjahanpur, 215	152.96	29	5, 25
				42	5, 6, 7, 14, 15, 16, 17, 18, 22, 23, 24, 25/1, 25/2
				44	2, 3, 4, 5, 6, 7, 8, 9/1, 9/2, 10, 11, 12/1, 12/2, 13, 14, 15, 16, 17, 18, 19/1, 19/2, 20/1, 20/2, 21/1, 21/2, 22/1, 22/2, 23, 24/1, 24/2, 25
				54	1/1, 1/2, 2, 3, 4, 5, 6, 7, 8, 9, 10/1, 10/2, 11, 12/1, 12/2, 13, 14/2, 14/1, 15/1, 15/2, 16, 17, 19, 20, 21, 22/1, 22/2, 23/1, 23/2, 24, 25, 18
				55	1/1, 1/2, 2, 3/1, 3/2, 4/1, 4/2, 5, 6, 7, 8, 9/1, 9/2, 10, 11, 12/1, 12/2, 13, 14, 15, 16, 17/1, 17/2, 18, 19, 20, 21, 22/1, 22/2, 23, 24/1, 24/2, 25
				56	1/1, 1/2, 2/1, 2/2, 3, 4, 5/1, 5/2, 6/1, 6/2, 7, 8, 9, 10/1, 10/2, 11, 12, 13, 14, 15/1, 15/2, 16, 17, 18/1, 18/2, 19, 20, 21/1, 21/2, 22, 23/1, 23/2, 24, 25
				57	3, 4, 4/1, 4/2, 5/1, 5/2, 6, 7, 8, 12, 13/1, 13/2, 14/1, 14/2, 15/1, 15/2, 16, 17/1, 17/2, 17/3, 18/1, 18/2, 18/3, 18/4, 19/1, 19/2, 19/3, 21, 22/1, 22/2, 22/3, 23, 24/1, 24/2, 25/1, 25/2
				58	1/1, 1/2, 2, 3/1, 3/2, 4, 5, 6, 7/1, 7/2, 8, 9
				59	1, 2, 3/1, 3/2, 4, 7, 8/1, 8/2, 9, 10, 11/1, 11/2, 12/1, 13, 18, 19, 20, 21, 12/2
				60	1, 2, 3/1, 3/2, 4, 5, 7, 8, 9, 10/1, 10/2, 11/1, 11/2, 12, 13
Do	Do	Chhadwanah, 218	204.31	2	18, 19, 21, 22, 23, 24/1, 24/2, 25
				3	1/1, 1/2, 9, 10, 11, 12/1, 12/2, 13, 17, 18, 19, 20/1, 20/2, 21, 22, 23, 24, 25
				4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11/1, 11/2, 12, 13, 14, 15/1, 15/2, 15/3, 16, 17/1, 17/2, 18/1, 18/2, 19, 20, 21, 22, 23/1, 23/2, 24, 25
				5	4, 5, 6, 7, 14, 15/1, 15/2, 16, 17, 24/1, 24/2, 25
				8	4, 5/1, 5/2, 6, 7, 14, 15, 16, 17

1	2	3	4	5	6
Rohtak	Jhajjar	Chhadwanali; 218 conold	204.22	9	1, 2, 3, 4/1, 4/2, 5/1, 5/2, 6, 7/1, 7/2, 8, 9, 10, 11, 12/1, 12/2, 12/3, 13/1, 13/2, 14, 15/1, 15/2, 16, 17, 18, 19, 20
				10	1/1, 1/2, 4, 4/1, 4/2, 1, 4/2/2, 5, 6, 7/1, 7/2, 8, 9/1/1, 9/1/2, 9/2, 10/1, 10/2, 11/1, 11/2, 12/1, 12/1/2, 12/1/1, 12/2, 13/1, 13/2/1, 13/2/2, 14/1, 14/2, 14/3, 15, 16, 17, 18, 19, 20
				11	1, 9, 10, 11, 12, 13, 17, 18, 19, 20, 23/1, 23/2, 24, 25
				12	1, 9, 10/1, 10/2/1, 10/2/2, 10/3/1, 10/3/2, 11/1, 11/2, 11/3, 12, 13, 17, 18, 19, 20/1, 20/2, 21, 22, 23, 24, 25
				13	3, 4, 5, 6/1, 6/2, 7, 8, 13, 14, 15/1, 15/2, 16, 17, 18, 23/1, 23/2, 24, 25
				26	1/1, 1/2, 2, 3, 4, 7/1, 7/2, 8/1, 8/2, 9/1, 9/2, 9/3, 10/1, 10/2, 11, 12, 13, 18/1, 18/2, 19, 20, 21, 22, 23
				27	9, 10, 11/1, 11/2, 12, 19, 20, 21,
				28	3, 4, 5, 6, 7, 8, 13, 14, 15, 16/1, 16/2, 17, 18, 23, 24, 25
				25	3, 4/1, 4/2, 4/3, 5, 6/1, 6/2, 7, 8, 13, 14, 15/1, 15/2, 16, 17, 18/1, 18/2, 23/1, 23/2, 24/1, 24/2, 25
				42	3, 4, 5, 6

By or the order of the Governor
of Haryana,

(Sd.)

Superintending Engineer,
Drainage Circle, Rohtak.

LABOUR DEPARTMENT

The 6th March, 1978.

No. 1756-3Lab-78/1394.—In pursuance of the provision of Section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s Olympus (India) (P) Ltd., 12/3, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Complaint No. 15 of 1975 under section 33-A of the Industrial Disputes Act, 1947

between

THE WORKMEN AND THE MANAGEMENT OF M/S OLYMPUS (INDIA) (P) LTD., 12/3, MATHURA
ROAD, FARIDABAD

Present.—

Shri R. N. Roy, for the workmen.

Shri K. P. Aggarwal, for the management.

AWARD

This is a complaint made by 23 workmen against the respondent under section 33-A of the Industrial Disputes Act. It is dated 20th July, 1975. It was accompanied by a letter of authority in favour of Shri R. N. Roy described as Vice President of Olympus Employees Union to represent the workmen.

On receipt of the complaint notices were issued to the opposite party. The management filed its reply and thereafter the workmen filed their rejoinder. On the pleadings of the parties, the following issues were framed by my learned predecessor on 22nd September, 1975.

(1) Whether the management contravened the provision of section 33 of the Industrial Disputes Act, 1947?

- (2) Whether the workmen or any of them voluntarily abandoned his job ?
- (3) Whether the names of the workmen were legally struck off the rolls of the employees of the management as a result of their continued absence till 29th May, 1975, under the Certified Standing Orders ?
- (4) In case of non-proof of issue No. 1 to 3, to what relief they are entitled ?

The representative for the management made an application which was replied by the workmen and therefore, another issue was framed as given below on 19th November, 1976.

- (5) Whether Shri R. N. Roy is the Vice-President of the Olympus Employees Union and as such is entitled to represent the workmen and pursue their matter ?

The management examined M.W. 1, Shri N.D. Kapoor, Assistant of the office of the Labour Commissioner, Haryana, Chandigarh, and closed their case on issue No. 5.

The workmen examined one Shri Raj Mal as W.W. 1 and closed their case on preliminary issue No. 5.

Then the case was fixed for arguments and arguments were heard. I now give my finding on issue No. 5.

Issue No. 5.—Shri N.D. Kapoor, Assistant, in the office of the Labour Commissioner, Haryana, Chandigarh, stated that Olympus Employees Union was registered at No. 247 on 11th June, 1974. He had brought his office record also. He stated that according to clause No. 13 of the Constitution, which he had brought, only one Vice-President can be elected. The union had sent a list of office bearers to that office and in that form Shri M. S. Kandoo has been shown the only Vice-President. That form is a declaration form attested by the Oath Commissioner. The union had also sent an annual return to that office, for the year ending on 31st December, 1974. There was a reference of two months of the year, 1973 also in that. The return had shown a list of those office bearers who retired in the year, 1974. Shri M. S. Kandoo was shown retired on 21st July, 1974 as well as on 1st September, 1974. He further deposed that in the year, 1974, two Vice-Presidents were elected, one Shri M.S. Kandoo and the other Shri R.N. Roy. Shri R.N. Roy has been shown as elected on 1st September, 1974. The retirement of other office bearer is also shown in that. This return was received in their office on 4th July, 1975 which is entered in their diary at No. 17465. The annual return is dated 29th June, 1975. Although the details are dated 29th June, 1974. They had also received details of account of the union. In cross examination he stated that according to clause No. 12 of the constitution, the election had to take place annually and that Shri M.S. Kandoo had not sent any application or claim about remaining Vice President after 1st September, 1974. He further deposed that he could not say whether the proceeding of meeting should be sent to the Registrar by the union or not and that his file did not contain the copies of proceedings of every meeting of the union but he stated that if any clause of the Constitution is to be changed or altered then it was necessary to send a copy thereof to their office.

W.W. 1 Shri Raj Mal stated that he was a member of Olympus Employees Union and was the General Secretary of that union at the time he deposed before this Tribunal i.e. on 5th May, 1977. He produced a copy of the minute of a meeting dated 1st September, 1974. He stated that this related to a meeting of the General Body. In cross examination he stated that the strength of workmen at that time was about 150 and that 77 workmen out of 150 were members of his union. He, in cross examination, stated that that union was formed in the year 1974. He could not recollect and therefore, could not say that the union was formed on 21st June, 1974. He further stated that its President at that time was Shri Raghbir Singh and Vice President was Shri M.S. Kandoo. He further stated that there was a change in office bearer by a meeting held on 1st September, 1974. He stated that only one change in the office of the Vice President had taken place in that meeting. Shri R.N. Roy was elected as Vice President and Shri Kandoo was elected as either Assistant Secretary or Organising Secretary. The office of the Vice President of Shri Kandoo had been vacated. He further stated that no other change in office bearer as elected on the formation of the union took place in that meeting. He could not say whether the change in the office of the Vice President was intimated to the Registrar of the union or not. The meeting dated 1st September, 1974 was attended by about 55 members and Shri R.N. Roy was not present in the meeting. Sarvshri Gana Nand, Bhupinder and Surinder and he were present. Ten members were also elected. He stated that he was General Secretary since 2nd January, 1977 and prior to that he was only an ordinary member. He could not identify the signatures of Shri Surinder Kumar in his register who was present in that meeting nor he could point out the signatures of Shri Surinder Kumar anywhere in the register, although he admitted that Shri Surinder Kumar has been shown as elected member. He had seen all the signatures in the register denoting presence and after seeing that he could not say whether signatures of Shri Bhupinder Singh appear there or not and he could not point out the signatures of Shri Bhupinder Singh nor he could identify but he denied a suggestion that Sarvshri Bhupinder Singh and Surinder Kumar were not present in the meeting and they had been wrongly shown as proposer and elected respectively. He further deposed that proposer and seconders have not signed their proposer's and seconds. He admitted that there were 7 proposers and 7 seconders but out of them only 13 have signed their attendance. He further stated that the management had shifted from Faridabad to Delhi. The workman also closed their case.

I have seen the verified true copy of the relevant clause filed by Shri N.D. Kapoor, Assistant, in the office of the Labour Commissioner, Haryana, Chandigarh. Clause 13 of the Constitution provides for one Vice President only. I have also seen another copy of enclosure to the return verified to be true copy by the said Shri N.D. Kapoor. In the first part of this enclosure Shri M.S. Kandoo has been shown as retired on 21st July, 1974 and 1st September, 1974. Shri Kandoo was elected Vice President on 21st July, 1974. How then he could retire on 21st July, 1974. Similarly it is not intelligible as to how he retired on 1st September, 1974 also. If he had already retired on 21st July, 1974, there was no necessity of retirement on 1st September, 1974. Seeing this document, the statement of W.W. 1 is not reliable. I have also seen Exhibit W-1 which are the minute of the meeting dated 1st September, 1974. In this meeting Shri Gajinder Singh has been shown to have been elected as General Secretary

and I do not find the name of W.W. 1 Shri Raj Mal as elected as any office bearer. I have also seen 10 names of persons who are alleged to have been elected as members, even I do not find the name of W.W. 1 Shri Raj Mal anywhere amongst them. I do not understand as to how Shri Raj Mal could state that he was the General Secretary at the time of his deposition. Against his name as W.W. 1 when he gave his description, he has described himself as a workman. The work was neither examined Shri M.S. Kandoo nor Shri Gajinder Singh nor any office bearer of the union nor any elected member of the union, except this Raj Mal W.W. 1 who has not been shown as any office bearer in the documents filed by the workmen.

I have also gone through the Constitution of the union. Clause 12 is regarding appointment and removal of office bearer which reads that general election shall be held every year in the general body in which all the office bearers and executives shall be elected. And if a post has fallen vacant due to resignation or removal shall be filled by the election in the general body. The general body or executive committee shall have its right to remove any office bearer or executive of the union by passing resolution in the general body. Such resolution will be passed by at least 2/3rd of the majority. It is nowhere proved that Shri M.S. Kandoo was removed by the general body nor his resignation has been pleaded and/or proved. I then fail to understand how Shri R.N. Roy was elected as Vice President. According to the Constitution, the post could fall vacant either by removal or by resignation. Both the requirements i.e. resignation or removal are missing and clause 13 provides for one President only. Now then in enclosures to the return filed by Shri N.D. Kapoor, Assistant, in the office of the Labour Commissioner, Haryana, Chandigarh, the mention of two Vice President Shri M.S. Kandoo and Shri R.N. Roy could be correct, constitutional or legal. In declaration form only three Office bearers have declared on oath before the Oath Commissioner whose names are Sarvshri Raghbir Singh, Shri M.S. Kandoo and Shri Gajinder Singh and this declaration form was filed in the Office of the Labour Commissioner, Haryana, Chandigarh. When Shri M. S. Kandoo did not remain Vice-President of the union, why declaration was not filed the alleged new elected Vice-President Shri R. N. Roy. Clause 15 of the Constitution provides that annual general body meeting will be held once in a year and the year shall be from 1st April to 31st March. Notice of annual general body meeting will be displayed at least 14 days before the date of meeting. In addition to this, emergency annual general body meeting may also be called after giving 10 days prior information, if 35 per cent members of the union applied for it with proper reasons to the President or by decision of the executive body.

When election had taken place on 21st July, 1974 general body meeting could not be called on 1st September, 1974 just after one month and 10 days but emergency general body meeting could be called after giving 10 days prior information. Neither it has been proved that 14 days prior notice for general body meeting was displayed nor 10 days prior information for calling emergency general meeting was given, even there is not a statement to that effect. The meeting dated 1st September, 1974 could be emergency general body meeting, then application by 35 per cent of the members of the union with proper reasons to the President or by decision of the executive body was to be proved, which has not been proved.

From all these reasons, I can not conclude that Shri R. N. Roy has been constitutionally elected as Vice-President. Even his alleged election has not been reported to the Commissioner, (Labour) Haryana for a period of more than 10 (ten) months.

Section 36 allows representation of the workmen by any member of the executive or other office bearer of a registered Trade Union of which he is a member. Shri R. N. Roy has not been held by me Vice-President of the union constitutionally or validly elected, hence he cannot represent the workmen under clause 'A' of section 36(1). The case of the workman is not under clause (b) of section 36(1). Hence I decide this issue against the workman and hold that Shri R. N. Roy is not the Vice-President of the Olympus Employees Union and as such is not entitled to represent the workmen and pursue the matter.

There was a similar issue in reference No. 54 of 1975 as issue No. 4 and I have decided that issue in that reference also against the workmen. The decision of issue No. 4 in reference No. 4 of 1975, which is between the same parties, be also treated as decision on issue No. 5 in this complaint.

The complaint was presented to this Tribunal by the said Shri R. N. Roy who had no authority to present the same, as I have already held that he was not the Vice-President of the said union. Notices annexure 'A' dated 22nd February, 1975, and 'C' dated 7th May, 1975, were also sent under signatures of the above said Shri R. N. Roy, who has not been held Vice-President of the union, not entitled to represent the workmen.

There is not proper presentation of this complaint before this Tribunal, as Shri R. N. Roy has been held not to hold any office of the union. I, therefore, dismiss the complaint. No order as to costs.

In view of rejection of the complaint, there is no need to proceed further on other issues.

Dated 3rd/15th February, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 120, dated 15th February, 1978.

Forwarded, (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 15th February, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

G. V. GUPTA, Secy